

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	
)	Case No. 4:19-cv-00415
ALEXANDRU BITTNER,)	
Defendant.)	
_____)	

**JOINT MOTION FOR LEAVE TO EXCEED THE PAGE LIMITS FOR
NON-DISPOSITIVE MOTIONS UNDER LOCAL RULE 7(a)(2)**

The Plaintiff, United States and Defendant, Alexandru Bittner jointly move the Court for leave to exceed the 15-page limit for non-dispositive Motions for Partial Summary Judgment as set forth in Local Rule 7(a)(2). Local Rule 7(a)(2) defines a non-dispositive motion as a Motion for Partial Summary Judgment and limits the pages for such a Motion to 15 pages. Both parties in this case timely filed Motions for Partial Summary Judgment by the March 9, 2020 deadline. *See ECF #22, (U.S.'s Motion) and ECF #24, (Defendant's Motion)*. However, both parties misread the local rule and thought the 30-page limit for dispositive motions applied. This resulted in their respective Motions being 30 pages each and being unfiled by the Clerk's Office.

Given that the parties' Motions present several questions of first impression for this District and the Fifth Circuit, the parties believe that 30 pages is necessary for each side to fully address those questions and the additional pages will aid the Court in reaching a decision that will narrow and clarify the matters for trial. By way of example, one of the issues raised by both parties is the proper interpretation or application of 31 U.S.C. § 5321(a)(5)(A) with respect to the maximum penalty that can be imposed for non-willful failure to file a Report of Foreign Bank and Financial Accounts under the Bank Secrecy Act. Another issue raised by the United States concerns the Defendant's contention

that the penalties assessed against him violate the Eighth Amendment' prohibition of excessive fines. For these reasons, the parties request leave of Court to exceed the 15-page limit set forth in Local Rule 7(a)(2) and refile their respective Partial Motions for Summary judgment, ECF #22 and ECF #24, in their current form. The parties also request that they be granted leave to use the page limits for dispositive motions on their respective responses and replies to these Motions for Partial Summary Judgment.

Respectfully submitted,

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

/s/ Herbert W. Linder
HERBERT W. LINDER
Ohio Bar No. 0065446
Attorneys, Tax Division
U.S. Department of Justice
717 N. Harwood St., Suite 400
Dallas, Texas 75201
Phone: (214) 880-9754/2432
Fax (214) 880-9741
herbert.w.linder@usdoj.gov

ATTORNEYS FOR UNITED STATES

/s/ Rachael Rubenstein
RACHAEL RUBENSTEIN
State Bar No. 24073919
CLARK HILL STRASBURGER
2301 Broadway St.
San Antonio, Texas 78215
Ph. (210) 250-6006
Fax (210) 258-2714
RRubenstein@clarkill.com

ATTORNEY FOR DEFENDANT
ALEXANDRU BITTNER

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Motion has been made on
March 10, 2020, by the Clerk's ECF filing system to:

CLARK HILL STRASBURGER
Farley P. Katz
Rachael Rubenstein
2301 Broadway St.
San Antonio, Texas 78209

/s/ Herbert W. Linder
HERBERT W. LINDER